

Clayton Municipal Schools

323 South Fifth Street
Clayton, New Mexico 88415
Phone (575)-374-9611
Fax (575)-374-9881

Mrs. Stacy Diller
Superintendent

Mr. Ray Maestas
Clayton High School Principal
Ms. Hilary Kouhana
Clayton Junior High Principal
Mrs. Janis Ruf
Kiser Elementary Head Teacher
Special Education Director
Mrs. Christina Hidalgo
Alvis Elementary Principal

March 22, 2016

Request for Waiver CC Docket No. 02-6

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re:	Applicant Name:	Clayton School District
	Billed Entity Number:	143379
	Form 471 Application Number:	983155
	Funding Request Number(s):	2684037, 2684053, 2684061

To Whom It May Concern:

The Clayton School District requests the Federal Communications Commission ("FCC") allow a single one-time invoicing extension for the funding request numbers referenced above.

Facts:

On October 23, 2015 a consultant for the District filed a BEAR form online. The service provider received no notification from USAC via email or from the consultant that the filing was ready for certification.

On November 5, 2015 the service provider discovered the BEAR form and certified it at that time.

On November 16, 2015, a letter was sent to all parties that the reimbursement request had been denied, as the filing was late. Although the BEAR form was timely filed by the billed entity, it was certified by the service provider seven days past the invoicing deadline.

On December 8, 2015, the billed entity filed an appeal of the reimbursement denial. This appeal was denied in a letter dated March 14, 2016 (enclosed).

Corrective Measure:

The applicant is asking the FCC to apply the guidance in force and grant a single one-time waiver of the rules to allow the District to request and receive its much needed funding. Pursuant to the USAC website, if an invoice deadline extension request is not timely filed, one must first file a waiver request with the FCC and the FCC must grant the waiver request before USAC can extend the invoice deadline.

Conclusion:

Throughout the application process, the District has made a good faith effort to comply with all rules and procedures. Although a procedural deadline was missed by seven days, a substantive rule was not violated. The District is otherwise eligible for the funding awarded. It is acknowledged that deadlines are important and necessary to efficiency. However, the tardiness of the submission was unintentional and non-fraudulent. Denial of the waiver would cause an undue hardship to this small rural school district. I respectfully request your consideration for a waiver of the deadline.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stacy Diller".

enclosures



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

March 14, 2016

Jamie Moehring
Right Click Technology Management Services
PO Box 367
Folsom, NM 88418

Re: Applicant Name: CLAYTON SCHOOL DISTRICT
Billed Entity Number: 143379
Form 471 Application Number: 983155
Funding Request Number(s): 2684037, 2684053, 2684061
Your Correspondence Dated: December 08, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 FCC Form 472 (BEAR) Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2684037, 2684053, 2684061
Decision on Appeal: **Denied**
Explanation:

- FCC Form 472 Number 2274180 was certified online by the Service Provider on 11/05/2015 which was after October 28, 2015, the last day to submit an invoice to USAC. It is the applicant's responsibility to ensure that all blocks of the FCC Form 472 are submitted to USAC in a timely manner. You did not demonstrate otherwise in your appeal. Therefore, the appeal is denied.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference

Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

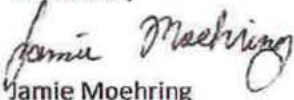
December 8, 2015

Schools and Libraries Program Correspondence Unit
Attention: Letter of Appeal
30 Lanidex Plaza West, PO Box 685
Parsippany, NJ 07054-0685

To Whom It May Concern,

I am writing this appeal on behalf of Clayton Municipal Schools, billed entity number 143379, in regards to Invoice Number 2274180. Clayton Schools was denied their funding, in the amount of \$18,615.36, due to the provider, Plateau Wireless - Spin 143002554, certifying the BEAR seven days late. Clayton Schools had their form submitted and certified on October 23, 2015, see attached email verification. However, Plateau certified the form on November 5, 2015, and the FRN invoice deadline was October 28th, 2015. Per Launa Waller of Plateau, see attached letter, she never received a notification that the BEAR was filed and ready to be certified by the provider. We are asking that you please allow us to resubmit our BEAR form for the 2014-2015 school year. Clayton Schools is a small rural school so the funding that we receive from USAC is critical for this small school district. Since the school did their part and has had all of their forms submitted before required deadlines we don't feel that it is fair that the school lose out on important funding due to something that was out of our control. We greatly appreciate your consideration in allowing Clayton Schools to resubmit their BEAR for the 2014-2015 school year.

Thank You,



Jamie Moehring

Consultant - Registration # 16071594
Right Click Technology Management Services
PO Box 367
Folsom, NM 88418
575-643-6462
eratecms@bacavalley.com



December 7, 2015

USAC
Schools and Libraries - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

RE: FRNs 2684037, 2684061, and 2684053

I am writing on behalf of the Clayton Schools. They recently had funding denied because their BEAR form created on October 23rd was certified and submitted seven days late.

As the BEAR certifier for Plateau, I can tell you I did not receive a notification from USAC that their BEAR form was awaiting certification. This is not uncommon. There have been many instances where I have received a notice, logged in to certify a BEAR, and discovered others awaiting certification where no notice was received. Many times, I will have billed entities contact me that they electronically submitted a BEAR form, when I have received no notice. There are flaws in the system, which I have discussed with Schools and Libraries on previous occasions. The many schools and libraries we provide service for will attest that Plateau is extremely responsive and would never ignore a request to certify, if one was received.

I have handled all E-rate aspects for Plateau since E-rate's inception. This has never happened to any of our billed entities before, where they were denied approved funding. There was no intention by either Clayton Schools or Plateau to not fulfill obligations to receive approved funding. I am respectfully requesting reconsideration of Clayton's denial and approval of a deadline extension. It would be unfair to penalize an E-rate participant who completed their form timely due to an issue beyond their or our control. To deny their funding would not be in the spirit of the program's intentions. Please let me know if there is any additional information I may provide to resolve this issue for them and allow them to receive their much needed funding.

Sincerely,

A handwritten signature in blue ink that reads "Launa Waller".

Launa Waller
Regulatory Manager

